

REMARKS

Claims 1, 3, 4 and 19 are pending in the application. Claims 1, 3, 4 and 19 are amended to more particularly set forth and describe the claimed invention. Support for the amendments are found throughout the specification as filed. No new matter is added.

Claims 1, 3, 4 and 19 stand rejected on the ground of non-statutory obviousness-type double-patenting as being unpatentable over claim 10 of U.S. Patent No. 6,649,380 ("the Yano '380 patent"). However, the Examiner stated in the Final Office Action dated April 30, 2007 that he would "withdraw the rejection of the claims drawn to homopolymers of the claimed product over the [Yano '380]" reference since there is no suggestion or motivation based on the claimed subject matter for homopolymers based on the claimed subject matter." (page 3, emphasis in original). In response and without conceding the verity of the Examiner's contention, applicants have amended claims 1, 3, 4 and 19 to restrict the claims to the specified "polyhydroxyalkanoate homopolymer." Applicants believe that amended claims 1, 3, 4 and 19 are allowable and respectfully request that the Examiner withdraw the rejection.

CONCLUSION

Based on the foregoing amendments and remarks, applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 3, 4 and 19 and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 1232-5182.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 1232-5182.

Respectfully submitted,
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Dated: September 28, 2007

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